

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

LABORERS' LOCAL UNION NOS. 472 &
172 and LABORERS' LOCAL UNION NOS.
472 & 172 WELFARE AND PENSION
FUNDS AND SAFETY, EDUCATION AND
TRAINING FUNDS; ZAZZALI, FAGELLA,
NOWAK, KLEINBAUM & FRIEDMAN,
P.C.,

Petitioners,

v.

LIMA CHARLES CONSTRUCTION,

Respondent.

Civil Action No. 21-17434 (MAS) (DEA)

MEMORANDUM ORDER

This matter comes before the Court on Petitioners Laborers' Local Union Nos. 472 & 172 and Laborers' Local Union Nos. 472 & 172 Welfare and Pension Funds and Safety, Education, and Training Funds ("Laborers' Union") and Zazzali, Fagella, Nowak, Kleinbaum & Friedman P.C.'s ("Zazzali P.C.," and collectively with Laborers' Union, "Petitioners") Petition to Confirm Arbitration Award ("Petition") (ECF No. 1) and Motion to Confirm Arbitration Award ("Motion") (ECF No. 2). Lima Charles Construction ("Respondent") has not appeared in this action.

The Petition and Motion both seek relief against "Lima *Charles* Construction." (*See generally* Pet. and Motion (emphasis added).) The Standard Job Agreement form submitted in support of the Petition and Motion, however, was executed on behalf of "Lima *Charlie* Construction." (Pet. at *24 (emphasis added).)¹ Neither the Petition nor the Motion accounts for


¹ All page numbers preceded by an asterisk refer to the page numbers in the ECF headers.

the discrepancy in Respondent's name. In addition, the proposed form of order contains a typographical error. Specifically, paragraph two of the proposed form of order provides: "Judgment is hereby entered against [R]espondent . . . in the amount of \$12,696.92 (which includes the principal of \$38,969.09, liquidation damages of \$1,948.45 and interest of \$779.38)." (Proposed Order ¶ 2, ECF No. 2-1 (first emphasis added).)² Finally, Petitioners indicated that they did not file a brief in support of the Petition "in light of the simple facts of this case and the clear authority of this Court to confirm arbitration awards." (Pet. ¶ 6.)

Here, based on the discrepancy in Respondent's name, the typographical error in the proposed form of order, and the lack of a legal brief, the Court finds that Petitioners have not adequately demonstrated entitlement to relief. Based on the foregoing, and for other good cause shown,

IT IS, on this 27th day of April 2022, **ORDERED** as follows:

1. Petitioners' Motion to Confirm Arbitration Award (ECF No. 2) is **DENIED** without prejudice.
2. Petitioners may file a renewed Motion by **May 17, 2022** with appropriate supporting documentation and a supporting brief.³



MICHAEL A. SHIPP
UNITED STATES DISTRICT JUDGE

² In calculating Petitioners' principal and liquidated damages as provided, along with added interest, the total amount appears to be \$41,696.92, not \$12,696.92; however, Petitioners should confirm the correct amount.

³ Petitioners' renewed motion papers must also include proof of service.